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U.S. DISTRICT COURT  
CLERK'S OFFICE  
CLEVELAND, OHIO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

TONYA RAYMOND, )      CASE NO. ~~1:11cv156~~  
                        )  
Petitioner,         )      1:11cv 156  
                        )  
v.                    )      JUDGE DONALD C. NUGENT  
                        )  
COMMISSIONER OF SOCIAL )  
SECURITY             )  
                        )  
Respondent.         )      MEMORANDUM OPINION  
                        )      AND ORDER

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge William H. Baughman, Jr. The Report and Recommendation (Document #26), issued on June 4, 2012, is ADOPTED by this Court. Petitioner applied for supplemental security income through Social Security on the claim that she was unemployable due to certain mental and physical conditions. The Commissioner of Social Security denied Petitioner's application, finding that none of Petitioner's impairments, or combination of her impairments, is considered a disability that would preclude her from all types of employment. Magistrate Judge Baughman, Jr. found that the Administrative Law Judge, whose decision became the final decision of the Commissioner, erred in determining Petitioner's residual functional capacity. Specifically, in his decision to deny Petitioner's application, the Administrative Law Judge failed to explain why he did not include Petitioner's workplace durational limitations in the evaluation of her capabilities. Thus, the Magistrate Judge recommends that the Commissioner's decision be reversed and remanded. Respondent filed a response informing the Court that he did not object to the Magistrate Judge's Report and Recommendation.

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio, 1999), and ADOPTS the Report and Recommendation in its entirety.

IT IS SO ORDERED.

  
DONALD C. NUGENT  
United States District Judge

DATED: July 12, 2012